

IN THE DRAWINGS

The attached sheets of drawings include changes to Figures 1 and 2. These sheets, which include Figures 1 and 2, replace the original sheets including Figures 1 and 2.

Attachment: Replacement Sheets (2)

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-20 are pending in the present application, Claims 5-10 and 15-20 having been withdrawn from consideration.

In the outstanding Office Action, the drawings were objected to; Claims 1-3 and 11-13 were rejected under 35 U.S.C. §102(e) as anticipated by Aoyama et al. (U.S. Patent No. 6,968,212, hereafter "Aoyama"); and Claims 4 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Aoyama in view of Marchetto et al. (U.S. Patent No. 5,914,959, hereafter "Marchetto").

In view of the objection to the drawings, Figures 1 and 2 have been amended as suggested by the outstanding Office Action. No new matter has been added. Applicants respectfully request that this objection be withdrawn.

In view of the rejection of Claims 1-3 and 11-13 as anticipated by Aoyama under 35 U.S.C. §102(e), Applicants respectfully submit that Aoyama is not prior art under 35 U.S.C. §102(e).

The filing date of the present Application is September 15, 2003. Aoyama (U.S. Patent No. 6,968,212) was granted on November 22, 2005. This date is after the filing date of the present application (September 15, 2003). Thus, Aoyama (U.S. Patent No. 6,968,212) is not prior art under 35 U.S.C. §§ 102(a) and 102(b).

Furthermore, Aoyama (U.S. Patent No. 6,968,212) has no 35 U.S.C. §102(e) prior art date. Aoyama (U.S. Patent No. 6,968,212) is a reference based on the national stage (35 U.S.C. §371) of an International Application filed on or after November 29, 2000, which was not published in English under PCT Article 21(2). All references, whether the WIPO publication, the U.S. patent application publication, or the U.S. patent, of an international

application that was filed on or after November 29, 2000 but was not published in English under PCT Article 21(2) have no 35 U.S.C. §102(e) prior art date at all. According to 35 U.S.C. §102(e), no benefit of the international filing date (nor any U.S. filing dates prior to the international application) is given for 35 U.S.C. §102(e) prior art purposes if the International Application was published under PCT article 21(2) in a language other than English, regardless of whether the international application entered the national stage.¹ The international application that Aoyama (U.S. Patent No. 6,968,212) is based upon is PCT/JP01/04305, which was filed on May 23, 2001. Thus, Aoyama (U.S. Patent No. 6,968,212) has no 35 U.S.C. §102(e) date.

PCT/JP01/04305 was published under Article 21(2) in Japanese as WO/2001/091332 on November 29, 2001, and this publication date is prior to the Japanese priority date of the present application. WO/2001/091332 is written in Japanese and Applicants representative has not studied this reference.

As Aoyama (U.S. Patent No. 6,968,212) is not prior art, Applicants respectfully submit that the outstanding grounds of rejection are traversed.

¹ 35 U.S.C. §102(e), and MPEP §706.02(f)(1) (see example 5 on page 700-34 and the flow chart on page 700-40 of MPEP, original 8th edition, August 2001, latest revision August 2006).

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Reply to Office Action of April 24, 2007

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)

Joseph Wrkich
Registration No. 53,796

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